

Contract Amendment for the Delta Plan Implementation

Requested Action: Authorize the Executive Officer to (1) increase by \$3,500,000, the total amount of the contract with CH2MHill for completion of the Delta Plan and associated EIR, and (2) approve new Task Orders to support initial implementation of the Delta Plan. The increase of \$3,500,000 is within the Council's adopted budget.

Background

Senate Bill No. 870, Chapter 712, 3885-001-0001 (2), appropriated Proposition 84 funds to the Delta Stewardship Council to support development of the Delta Plan and associated EIR, which must be adopted and implementation begun by January 1, 2012. Using these funds, the Council has entered into several technical service contracts to assist in developing the Delta Plan, the most critical contract being awarded to CH2MHILL which is providing project management, technical services and environmental services for the Council.

As the Delta Plan moves to completion, additional support is needed, and the Council needs to prepare for its implementation activity. The Delta Reform Act of 2009 requires the Delta Plan to be legally enforceable, meaning certain provisions must be adopted as state regulations. Initial implementation of the Delta Plan requires that the Council provide early consultations on proposed covered actions, establish a transparent process to file consistency certifications, evaluate and bring covered action consistency appeals before the Council. All of this requires continued communication and public engagement support, in addition to technical support.

Contract Amendment

An amendment is needed to the Delta Plan contract to add \$3,500,000 to support the following five (5) activities.

1. Delta Plan Completion

- Support Council staff in preparing and submitting a Notice of Proposed Rulemaking, for the Draft Delta Plan policies and recommendations, to the Office of Administrative Law.
- Support Council staff in preparing the required Economic and Fiscal Impact Statement (EFIS).
- Support Council staff during the public comment period and in preparing responses to comments.
- Support Council staff in compiling and maintaining a rulemaking file, as required by the APA.
- Support Council staff in preparing and submitting the final rulemaking package to OAL following adoption of the Delta Plan.

2. Delta Plan Communication Support

- Support Council staff with the creation and distribution of informational materials, including videos, web content and fact sheets.
- Support Council staff with media and stakeholder outreach activities.
- Support Council staff with tribal outreach activities.

3. Delta Plan Website Support

- Provide ongoing support of Delta Plan-related website content and functionality.

4. Delta Plan Implementation

- Support Council staff in providing early consultations for proposed covered actions.
- Support Council staff in evaluating appeals of covered actions' consistency with the Delta Plan and bringing appeals before the Council within statutorily defined deadlines.
- Support Council staff in developing near term updates to the Delta Plan, as anticipated to be directed by the Council.

5. Delta Plan Administrative Record Preparation

- Support Council staff in developing a records library to house the documents and information associated with the development of the Delta Plan.
- Support Council staff in updating and maintaining the administrative record library.

Funds are available from the Proposition 84 account. With this proposed amendment, the total amount of the contract will be \$13,000,000, which is within the previously approved budget of \$16.8 million.

Delta Plan Contract		
Proposition 84 Funds Budget	\$16,000,000	
General Fund Budget	\$800,000	
Original CH2MHILL contract		\$9,500,000
Delta Plan Implementation Task Orders		\$1,220,000
Delta Plan Completion Task Orders		\$800,000
Delta Plan Communication Support Task Orders		\$740,000
Delta Plan Website Support Task Orders		\$550,000
Delta Plan Administrative Record Preparation Task Order		\$190,000
Budget and New Contract Amount	\$16,800,000	\$13,000,000

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